

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/28/2007**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Bauer**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Bauer -

Topic:

Employment of persons convicted of sex offense or violent offense

Instructions:

See Attached--AB260, i.e., exception to employment discrimination law permitting employers not to employ person convicted of sex offense or violent offense

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 06/28/2007	lkunkel 06/28/2007		_____			
/1			nmatzke 06/28/2007	_____	cduerst 06/28/2007		

FE Sent For:

<END>

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/?	gmalaise	/l/mk 6/28	nwn 6/28	nwn/RS 6/28			

FE Sent For:

<END>

Employer Protection Act- Kleefisch (2007 AB 260) *ecc Gmm*

Assembly Bill (AB) 260 creates two new exceptions to the general rule that prohibits discrimination based upon a person's conviction record:

- it is not employment discrimination to refuse to employ or to terminate from employment a person who has been convicted of a sex offense and has not been pardoned for that sex offense;
- it is not employment discrimination to refuse to employ or to terminate from employment a person who has been convicted of a violent offense and has not been pardoned for that violent offense.

2007

Date (time)
needed _____

LRB b 0840 / 1

BUDGET SUPERAMENDMENT

[FOR ASSEMBLY SUPER]

GMM : Imk :
ejld

See form AMENDMENTS — COMPONENTS & ITEMS.

ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2007 SENATE BILL 40

>>FOR ASSEMBLY SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 1228, line 9.: after that line insert 9
↓

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

2007 ASSEMBLY BILL 260

April 13, 2007 – Introduced by Representatives KLEEFISCH, GUNDERSON, GUNDRUM, MUSSER, NASS, A. OTT, OWENS, PETERSEN, SUDER, TOWNSEND and ZIEGELBAUER, cosponsored by Senators LAZICH, LEIBHAM, GROTHMAN and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT** *to amend* 111.335 (1) (c) 1.; and *to create* 111.31 (6), 111.335 (1) (c) 3.,
2 111.335 (1) (c) 4. and 111.335 (2) of the statutes; **relating to:** permitting an
3 employer to refuse to employ or to terminate from employment an individual
4 who has been convicted of a sex offense or a violent offense and preempting
5 cities, villages, town, and counties from adopting provisions concerning
6 employment discrimination based on arrest or conviction record that prohibit
7 activity that is allowed under the state fair employment law.

Analysis by the Legislative Reference Bureau

The current state fair employment law, subject to certain exceptions, prohibits discrimination in employment based on arrest or conviction record. That law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an employer to refuse to employ or to terminate from employment an individual who has been convicted of a sex offense or a violent offense and who has not been pardoned for that offense, whether or not the circumstances of the offense substantially relate to the circumstances of the particular job.

ASSEMBLY BILL 260

~~Under current constitutional and statutory home rule provisions, a city or village may determine its own local affairs subject only to the Wisconsin Constitution and to any enactment of the legislature that is of statewide concern and that affects every city or village with uniformity. This bill states that the prohibition against discrimination in employment based on arrest or conviction record under the state fair employment law is a matter of statewide concern, requiring uniform enforcement at the state, county, and municipal levels. As such, the bill prohibits any county, city, village, or town from adopting any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under the state fair employment law.~~

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2661j *(B)*
D SECTION 1. 111.31 (6) of the statutes is created to read:

2 111.31 (6) The legislature finds that the prohibition against discrimination on
3 the basis of arrest or conviction record under s. 111.335 is a matter of statewide
4 concern, requiring uniform enforcement at the state, county, and municipal levels.

2661k *(B)*
5 SECTION 2. 111.335 (1) (c) 1. of the statutes is amended to read:

6 111.335 (1) (c) 1. Has been convicted of any felony, misdemeanor or other
7 offense the circumstances of which substantially relate to the circumstances of the
8 particular job or licensed activity; ~~or,~~

2661l *(B)*
9 SECTION 3. 111.335 (1) (c) 3. of the statutes is created to read:

10 111.335 (1) (c) 3. Has been convicted of a sex offense, as defined in s. 301.45 (1d)
11 (b), or found to have committed a violation of federal law or the law of another state
12 that would be a sex offense, as defined in s. 301.45 (1d) (b), if committed in this state,
13 and who has not been pardoned for that sex offense.

2661m *(B)*
14 SECTION 4. 111.335 (1) (c) 4. of the statutes is created to read:

ASSEMBLY BILL 260

1 111.335 (1) (c) 4. Has been convicted of a violent offense, as defined in s. 301.048
2 (2) (bm) 1., or found to have committed a violation of federal law or the law of another
3 state that would be a violent offense, as defined in s. 301.048 (2) (bm) 1., if committed
4 in this state, and who has not been pardoned for that violent offense.

5 26610-18
SECTION 5. 111.335 (2) of the statutes is created to read:

6 111.335 (2) No county, city, village, or town may adopt any provision concerning
7 employment discrimination based on arrest or conviction record that prohibits any
8 activity that is allowed under this section. 11

9 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0840/1
GMM:lmk&jld:nwn

LFB:.....Bauer – Employment of persons convicted of sex offense or violent offense

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1228, line 9: after that line insert:

3 **"SECTION 2661j.** 111.31 (6) of the statutes is created to read:

4 111.31 (6) The legislature finds that the prohibition against discrimination on
5 the basis of arrest or conviction record under s. 111.335 is a matter of statewide
6 concern, requiring uniform enforcement at the state, county, and municipal levels.

7 **SECTION 2661k.** 111.335 (1) (c) 1. of the statutes is amended to read:

8 111.335 (1) (c) 1. Has been convicted of any felony, misdemeanor or other
9 offense the circumstances of which substantially relate to the circumstances of the
10 particular job or licensed activity; ~~or.~~

SECTION 2661L. 111.335 (1) (c) 3. of the statutes is created to read:

111.335 (1) (c) 3. Has been convicted of a sex offense, as defined in s. 301.45 (1d) (b), or found to have committed a violation of federal law or the law of another state that would be a sex offense, as defined in s. 301.45 (1d) (b), if committed in this state, and who has not been pardoned for that sex offense.

SECTION 2661m. 111.335 (1) (c) 4. of the statutes is created to read:

111.335 (1) (c) 4. Has been convicted of a violent offense, as defined in s. 301.048 (2) (bm) 1., or found to have committed a violation of federal law or the law of another state that would be a violent offense, as defined in s. 301.048 (2) (bm) 1., if committed in this state, and who has not been pardoned for that violent offense.

SECTION 2661o. 111.335 (2) of the statutes is created to read:

111.335 (2) No county, city, village, or town may adopt any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under this section.”.

(END)